IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.908 of 2007
ANANDI PRASAD SINGH
Versus
STATE OF BIHAR & ORS

3 23.10.2008 Heard learned counsel for the petitioner and the State as well as learned counsel appearing on behalf of State of Jharkhand.

In the instant writ petition the petitioner states that his daughter Binita Kumari was married to one Sushil Kumar Mahto in the year 1998-99 and gave birth to a female child on 15.7.2006. All of a sudden his son-in-law Sushil Kumar Mahto died on 7.12.2006. He further states that respondent no.6, father-in-law, and respondent no.7 Dinesh Kumar Mahto, son of respondent no.6 and other family members are restraining his daughter from meeting her parents. The petitioner further states that her daughter wants to live with the petitioner for some time but the private respondents are not allowing her to go with him.

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The Hon'ble Supreme Court in the case of Lata Singh Vs State of Uttar Pradesh and another, 2006(3) P.L.J.R. 329 has observed that a major boy or a girl is free to move any where in the country or live with any one he or she likes.

In view of the aforesaid law laid down by the Apex Court, in case the daughter of the petitioner wants to go with her father as her husband has died, the private respondents should not prevent her from doing so.

With the aforesaid observations, this writ petition is disposed of.

(S.P.Singh,J)

KHAN

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